



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 16 2014

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Mr. Paul J. Mellon
Novetas Solutions
2173 MacDade Blvd.
Suite 1
Holmes, Pennsylvania 19043

Dear Mr. Mellon:

RE: FOIA REQUEST (EPA-HQ-2014-009493)

This is in response to your August 14, 2014, request for information. We have listed below records you requested and the Agency's response to each one.

1. Completed risk assessments (including health risk documents from other federal agencies such as OSHA/NIOSH's studies of beryllium in coal slag abrasives...) and methodology reports for any reuse of CCWs, including but not limited to the unencapsulated uses such as coal slag abrasives and roofing granules.

Response: EPA has no responsive documents.

2. For those risk assessments on CCW Unencapsulated Uses not completed, records describing current status of those assessments and methodology.

Response: EPA has identified several records that fit within the scope of your request. The records provide a status update on the Agency's efforts to complete the development of a conceptual model for evaluating risks from unencapsulated uses of coal combustion residuals. Two of those records are emails which are enclosed. The third record is from the Agency's Management Audit Tracking System which states the following:

Recommendation 1: Define and implement risk evaluation practices to determine the safety of the CCR beneficial uses EPA promotes.

Corrective Action 1-1: *Planned:* 2014-03-30 *Completed:* 0000-00-00

OSWER expects to complete development of the conceptual model for evaluating risks from unencapsulated uses by the second quarter of FY 2014.

March 2014 Update: The OSWER AA approved to revise this corrective action milestone date from 03-30-14 to 03-31-15. OSWER expects to complete development of the conceptual model for evaluating risks from unencapsulated uses of Coal Combustion

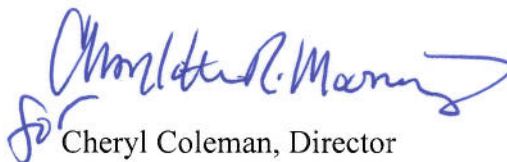
Residuals (CCRs) by March 31, 2015. Recently, OSWER completed a methodology for addressing encapsulated CCRs and a document applying the methodology to fly ash concrete and flue gas desulfurization (FGD) gypsum wallboard. EPA has learned from that process and additional time is needed as we shift our efforts from the recently completed encapsulated CCR work to addressing unencapsulated uses. The OIG was notified via an email from Mathy Stanislaus, OSWER AA to Art Elkins dated 03/27/14. Status: Delayed.

3. All documents describing EPA's efforts to implement the recommendation of the EPA Office of the Inspector General (IG) Evaluation Report entitled "EPA Promoted the Use of Coal Ash products with Incomplete Risk Information" (Report No. 111-P-0173, March 23, 2011) with specific focus on unencapsulated uses of CCWs such as slag abrasives and roofing granules.

Response: We have email records that are potentially responsive to your request. We are unable to provide you these records; we consider these records to be deliberative and exempted from the Freedom of Information Act requirements under exemption 5.

This concludes EPA's response to your request (EPA-HQ-2014-009493). If you believe that this response is inadequate, you may appeal this determination to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, Email: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20001. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the reference identification number EPA-HQ-2014-009493. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in blue ink, appearing to read "Cheryl Coleman". To the left of the signature is a small, stylized blue mark that looks like the letters "for".

Cheryl Coleman, Director
Resource Conservation and Sustainability Division

Enclosures